IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 33198 of 2006(B)

PETITIONER:

V.SURESHLAL,
LINEMAN GRADE-I, ELECTRICAL SECTION,
KSEB, PATHANAPURAM.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

---

1. THE ASST. ENGINEER,
ELECTRICAL SECTION, KERALA STATE ELECTRICITY
BOARD, PATHANAPURAM.

2. THE ASST. EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB,
PATHANAPURAM.

3. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, KSEB, KOTTARAKKARA.

4. THE CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

5. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY TO THE GOVT.,
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

6. SRI. S.G.SURESHKUMAR,
PRESENTLY WORKING AS ASST. ENGINEER,
ELECTRICAL SECTION, PATHANAPURAM.

7. SRI. D.MANOJ,
WORKING AS ASST. EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB, PATHANAPURAM.

R1 TO 5 BY SC SHRI. K.S.ANIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 33198 OF 2006

Dated this the 13th December, 2006.

JUDGMENT

Heard counsel for the petitioner and Legal Liaison Officer for the respondents 1 to 5. In the nature of the order I propose to pass, It is not necessary, at this stage, to issue notice to respondents 6 and 7.

2. The provocation for the petitioner to file this writ petition is Ext.P7 order transferring him from the post of Lineman Gr.I in the Electrical Section, Pathanapuram to Electrical Division, Kottarakkara. Ext.P7 is by the third respondent. The transfer of the petitioner is from one station to another within Kollam district. Going by the distance factor, the petitioner need not have much grievance. But he contends that the reason behind the issue of an order in the nature of Ext.P7 compels him to challenge Ext.P7.

3. The petitioner has produced Ext.P1 representation filed by him on 13.11.2006 before the third respondent, which representation refers to his application filed on 18.2.2006. He has referred to an incident happened on 20.12.2005 which if proved calls for appropriate action against those who permitted such unlawful activities to happen and to be perpetrated. The petitioner has filed

Ext.P3 representation on 4.12.2006 before the fifth respondent. Other instances about which he preferred complaints have been referred to in the representations.

4. A glance through Ext.P1 makes it clear that several instances involving serious misconduct on the part of the Engineers of the Board are seen narrated intending that the third respondent will take cognizance of the same and appropriate action. It does not however appear from the materials produced by the petitioner that the third respondent had done anything to ascertain the truth of the statements contained in Ext.P1. Exts.P2 and P3 are representations filed by the petitioner before respondents 4 and 5 requesting to conduct detailed enquiries into the events and episodes referred to therein.

5. He has requested the fifth respondent to permit the employees belonging to the category of Lineman to make entries in the Abnormality Register, which facility has been denied to the petitioner. It would appear that one of the reasons for the transfer of the petitioner is the difference of opinion between himself and the superior officers. It also appears that the superior officers are of the view that it is not proper for the petitioner or similar employees to make entries in the Abnormality Register.

6. I am not inclined to interfere with Ext.P7 order as I feel that it will be in the interest of the petitioner

also to work in a different station. But, the facts and events brought to the notice of the fifth respondent through Ext.P3 representation shall be looked into by the said respondent, nay, serious attention bestowed to all those aspects. He shall conduct or order discrete enquiry by a responsible officer of the Board, interrogate respondents 3, 6 and 7 as also the petitioner and anybody who is connected with the incidents to draw up a fact finding report. Appropriate action shall be taken based on the information collected by such officer and the report he will file based on such information. Ordered accordingly.

7. The writ petition is disposed of directing the fifth respondent to complete the above exercise within three months on the petitioner producing a copy of the judgment. The fifth respondent shall make all efforts to see that the public offices under it do not succumb to the alleged irregularities and unlawful activities.

K.K.DENESAN
Judge

jj